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Australia's ocean commitments from Rio+20: moving forward or two steps back?

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Abstract:

Oceans were a key theme of the Rio+20 Conference in 2012 and the importance of the conservation and sustainable use of the oceans was reinforced by the UN member states in *The Future We Want* agreement. During Rio+20, the Australian delegation focussed on achievements in oceans governance, such as the development of a National System of Marine Protected Areas. Australia announced its ocean commitments that included the prioritisation of international and regional initiatives, as well as maintaining fish stocks, elimination of illegal, unreported and unregulated fishing; and the elimination of harmful fisheries subsidies that contribute to over-fishing and overcapacity. However, Australia did not specify any new commitments to national oceans policies or holistic approaches to oceans governance. This paper examines Australia's role in contributing to a blue economy, our past commitments to integrated oceans governance and whether Australia has the policy capacity to deliver the commitments from Rio+20. Policy capacity relates to the ability to make decisions through processes or procedures, and the quality of decisions through the substance of policy (Peters 1996; Painter and Pierre 2005; Haward 2006; Haward and Vince 2008). It is argued that oceans governance is strengthened through integrated approaches, however, the current Australian government does not have the policy capacity to commit to or deliver them. Nevertheless, Australia's current ocean policies do establish a strong commitment to regional initiatives that focus on developing marine spatial plans and the implications of fisheries as food security.

Selected Stream: Public Policy

Introduction

The United Nations Conference on Sustainable Development (Rio+20) was held from the 20-22nd June 2012, marking twenty years since the United Nations Conference on the Environment and Development (UNCED) and ten years since the World Summit on Sustainable Development (WSSD). Outcomes from UNCED in 1992 included the Rio Declaration and Agenda 21, which provided the guiding principles for decision making in ocean governance internationally and in Australia. Until that time, national ocean jurisdictions were managed through policies focused on individual sectors (for instance fisheries) (Haward and Vince 2008). Many coastal states, such as Australia, also encountered jurisdictional divisions between central and provisional governments resulting in *ad hoc* ocean governance regimes. UNCED Agenda 21, Chapter 17 asked for coastal states to commit themselves to integrated management, precautionary approaches and sustainable development of coastal areas and the marine environment under their national jurisdictions. The WSSD in 2002 reiterated the call for states to implement ecosystem based, cross sectoral national policies to ocean governance reflecting these principles.

Australia responded to its commitments to UNCED through an array of environmental policies including the *Intergovernmental Agreement on the Environment* (1992), *Australian National Strategy for Ecologically Sustainable Development* (1992). However, it was *Australia's Oceans Policy* released in 1998 that aimed to integrate the management of ocean and marine resources across sectors and jurisdictions. It also attempted to do this through new ecosystem based approaches to policy implementation (see Vince 2013). Australia's commitment to these international instruments at the time was prioritised in the policy agenda and secured our position as a 'mature case' in oceans governance in the global arena (International Institute for Sustainable Development 2005, Haward and Vince, 2008). Full integration never eventuated through Australia's oceans policy process and there has been varied success with large scale integrated approaches to ocean governance around the world (Jay et al 2013). Further commitments to UNCED have been translated into domestic policy through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) which is also the only legislative anchor for marine spatial planning in Australia.

Rio+20 offered an opportunity for parties' to reflect on current ocean management strategies, emerging issues for national jurisdictions and there was a particular focus on managing the high seas. Unlike UNCED where oceans were not prioritised, oceans were a key theme of Rio+20. Oceans provide "4.2 billion people with more than 15% of the animal protein they consume through fisheries" (Rio Ocean Declaration 2012). Yields within many of the world's fisheries are in decline (Pauly and Froese 2012) resulting in higher prices for stock and being unattainable for the world's poorest people. While the sustainability of oceans was recognised as

important, fisheries issues such as Illegal, Unreported and Unregulated (IUU fishing) and maintaining fish stocks, took priority in discussions.

In her speech to delegates of Rio+20, Prime Minister Julia Gillard said “the world needs a new focus on the health of our oceans and on the ‘blue economy’ they underpin” (Gillard 2012b). She announced that Australia was committed to the following oceans priorities: eliminating fisheries subsidies that contribute to over-fishing; supporting collective action to restore depleted fish stocks; conserving marine ecosystems; and improving the science of ocean management (Gillard 2012b). A national approach that encompasses integration across sectors and jurisdictions was no longer a priority for Australia, although integrated approaches are still pursued on a smaller scale (through marine spatial planning and marine protected areas). Australia’s priorities resulting from Rio+20 focus on marine protection and fisheries, and our regional commitments to ocean governance.

This paper begins by examining the literature on policy capacity and utilises it as a framework to examine oceans governance and Australia’s Rio+20 ocean commitments. Utilising this framework, this paper asks: why are national integrated approaches to oceans governance no longer pursued in Australia? What do our commitments to oceans governance reveal about the policy capacity to make decisions in this area? If oceans governance is strengthened through integrated approaches, why are we not pursuing this method to develop and implement oceans policies?

Policy capacity

The concept ‘policy capacity’ has recently been redefined and re-categorised by policy researchers to deliver more useful analysis of governance, policies and government actors. In the 1980s and 1990s, the term was largely used in the context of governance and policy capacity. From this perspective, policy capacity relates to the ability to make decisions through processes or procedures, and the quality of decisions through the substance of policy (Peters 1996; Painter and Pierre 2005; Haward 2006; Haward and Vince 2008). Policy capacity can also refer to the effectiveness of policy implementation and/or outputs (Fellegi 1996; Peters 1996; Painter and Pierre 2005; Howlett 2008) and the type and quality of resources utilised during implementation and policy delivery (Honadle 1981, 578; Fellegi 1996; Painter, 2002; Peters, 1996; Painter and Pierre 2005; Tiernan 2007). Painter and Pierre (2005) argue that effective governance is made up of policy capacity, administrative capacity which is “the ability to manage efficiently the human and physical resources required for delivering the outputs of government” and state capacity “relations between the state (in both its administrative and policy roles) and society”.

According to Haward (2006), the focus on decision making and policy substance are a key measurements of effective ocean governance. He goes on to say

Key agencies need to be able to maintain and extend their own capacity, and be able to display leadership in this area, but they also need to be able to work effectively with the range of other actors engaged in work that will contribute such responses (Haward 2006).

Painter and Pierre (2005) argue “If ‘governance’ is used to describe practices of consultation, coordination and bargaining across boundaries, then it is here that we should look for sources of policy capacity.” However, they also acknowledge that policy capacity can exist outside of the state.

In recent years the focus has been on the agencies themselves in determining policy capacity. Organisational policy capacity examines the skills of individuals involved in the agencies (Williams and McNutt 2013; Gleeson et al 2011; Howlett and Lindquist 2004). It also includes “the structures, processes and cultures that support effective policy development and within which individual public service policy analysts operate” (Tiernan 2012).

Analytical capacity is the government agencies’ ability to acquire knowledge through lesson drawing to avoid policy failure (Williams and McNutt (2013). It is often focussed on policy inputs rather than outputs (Newman et al 2013). Lesson drawing or policy transfer has been a useful strategy for governments with regard to oceans governance (see Vince 2008a). However, assessing analytical capacity is difficult without an in-depth analysis of activities within the agencies themselves (Williams and McNutt, 2013).

UNCED, WSSD and Rio+20 have all echoed the importance of integration in oceans governance. Underdal (1980) defined integration in the context of marine policy as being as follows:

To “integrate” means to unify, to put parts together into a whole. Integrated policy, then, means a policy where the constituent elements are brought together and made subjects to a single, unifying conception. More specifically, I suggest that to qualify as integrated a policy must meet three basic requirements, viz comprehensiveness, aggregation and consistency. As interpreted here, these requirements refer to three consecutive stages of the policy-making process: comprehensiveness to the input stage; aggregation to the processing on inputs, and consistency to outputs.

He also argued that the reason why integration is important in oceans governance is that it improves outcomes “and the key to this improvement is ‘internalization of externalities’” (Underdal 1980).

According to Williams and McNutt (2013) integration is a measurement of effective policy capacity. They argue:

effective policy capacity requires some level of “integration” in a particular policy domain—integration either through clear institutional arrangements or

through some sort of effective nodality, or leadership in a broader policy network. Integration requires established lines of communication among relevant agencies that have the general willingness to engage with new ideas.

In Australia, the focus has been on the public service and its capacity to deliver government commitments through policy implementation (Tiernan 2007, 2012; Lindquist 2010). Of particular concern is the public service's ability to provide high quality advice; its research and analytical capabilities and its role as policy advisor (Tiernan 2012). Lindquist (2010, 117) identifies the following problems with the policy capacity capabilities of the public service:

- Policy advice is too often reactive and narrow
- Too little genuinely strategic policy capability
- Policy advice is not sufficiently connected to implementation
- Insufficient feedback and learning on the quality of policy and advice
- Insufficient engagement with stakeholders and citizens
- Lack of a common Australian Public Service (APS) identity to build experience and cross-boundary thinking
- Insufficient investment in learning and development
- Insufficient creativity and innovation; and
- Insufficient management skills

These APS problems may offer an insight to why the execution of integrated oceans governance approaches have been so difficult. Painter and Pierre's (2005) measurement of effective governance through policy, state and administrative capacity is the basis for the analytical framework utilised in this paper with a focus decision making, policy substance and key actors in oceans governance (Haward 2006). This is also extended to incorporate integration as a key determinant of effective policy capacity (Williams and McNutt 2013).

This paper now examines the Rio+20 conference and Australia's recent ocean commitments that reflect a movement away from past ocean policies. This overview demonstrates that internationally, the ocean experts continue to maintain that integrated management is the way forward for national and regional oceans governance.

Rio+20 and its outcomes for oceans

The Rio+20 conference was held in Rio de Janeiro, Brazil in June 2012, in the same city as UNCED was held twenty years before. Approximately 45,763 people accessed the Rio Convention centre while the conference was being held and 50 million people worldwide accessed conversations via social media leading up to the conference. It was anticipated that this conference, where many people outside formal organisations were able to contribute to discussions, would result in strong decisions resulting in outcomes that were more than rhetoric. The conference led to over "700 voluntary commitments by civil society groups, businesses, governments,

universities and others” and in excess of \$US500 billion raised for the implementation of these commitments (United Nations 2012a). The 193 member states of the United Nations agreed on *The Future We Want* outcome paper that was released at the end of conference.

While delegates and observers had high hopes regarding the outcomes of Rio+20, the oceans outcomes “could be categorised as Rio plus 20 minus 40” (Quote by Sylvia Earle in Howard 2012). Others have described there being “little evidence of constructive dialogue at Rio+20” with regard to oceans (Campbell et al 2013); and “Rio+20 offered states the opportunity to adopt bold, innovative approaches to persistent marine governance issues. Unfortunately, this opportunity was largely spurned” (Jay et al. 2013).

The 16th June, 2012 was set aside as the World Oceans Day at Rio and organised by the Global Oceans Forum. Participants included 375 ocean stakeholders from 169 organisations across all sectors (Rio Declaration 2012). The main outcome from the Ocean Day discussions was a Rio Ocean Declaration which called for three main actions from national states:

- 1) Scaling up successful ecosystem-based management/integrated ocean and coastal management (EBM/IOCM) efforts at national and regional and in marine areas beyond national jurisdiction.
- 2) Developing an integrated approach to addressing the interlinked issues of oceans, climate change, and security; and
- 3) Enhance the capability of small island developing States (SIDS) and developing coastal countries to benefit from, and sustainably manage, their marine resources and to adapt to climate change (Rio Declaration 2012).

The Co-Chairs of the Ocean Day event called for world leaders at Rio+20 to take a number of steps including states to embrace integrated management on national and regional areas, and in areas beyond national jurisdiction. The Declaration also stated that national integrated approaches should include the “entire coast and ocean” and “and through the strengthening of institutions and decision-making processes for integrated ocean and coastal management, including through the enactment of ocean and coastal laws.” They also urged world leaders at Rio+20 to take immediate steps that included developing networks of marine protected areas; enhancing fisheries for food security, social and economic benefits; and movement towards a Blue Economy.

The Ocean Day event and Declaration are significant as they summarise the priorities of ocean experts, stakeholders and NGOs. The Declaration is an amalgamation of these views which are not necessarily reflected by the UN members through *The Future We Want* agreement or individual states in their commitments.

The Future We Want stated 19 ocean commitments and two commitments for food security that relate to fisheries (United Nations 2012b). Importantly, the ocean commitments do not mention integrated ocean and coastal management in national jurisdictions. The paper does specify the need for ecosystem and precautionary approaches through the following commitment:

We stress the importance of the conservation and sustainable use of the oceans and seas and of their resources for sustainable development, including through the contributions to poverty eradication, sustained economic growth, food security, creation of sustainable livelihoods and decent work, while at the same time protecting biodiversity and the marine environment and addressing the impacts of climate change. We therefore commit to protect, and restore, the health, productivity and resilience of oceans and marine ecosystems, and to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations, and to effectively apply an ecosystem approach and the precautionary approach in the management, in accordance with international law, of activities impacting on the marine environment, to deliver on all three dimensions of sustainable development (United Nations 2012b).

There are also commitments to *inter alia*: the completion of a first global integrated assessment of the state of the marine environment by 2014; address, on an urgent basis, the issue of the conservation and sustainable use of marine biological diversity of areas; take action to reduce the incidence and impacts of pollution on marine ecosystems as well as to achieve significant reductions in marine debris to prevent harm to the coastal and marine environment by 2025; address sea level change; meet the 2015 target as agreed to in the Johannesburg Plan of Implementation to maintain or restore stocks to levels that can produce maximum sustainable yield on an urgent basis; address the issue of the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction including by taking a decision on the development of an international instrument under the United Nations Convention of the Law of the Sea (UNCLOS); and eliminate IUU fishing (United Nations 2012b).

Nevertheless, it has been argued that *The Future We Want* “mainly reasserts commitments made at the previous summits and does little to build upon innovative approaches in marine management, such as marine spatial planning (MSP), which have come to the fore in the last decade.” (Jay et al 2013). Australia’s responses and commitments are reflective of these broad Rio outcomes.

Australia and Rio+20

Australia has been regarded as a leader in ocean governance by delivering national policies that reflect our commitments to international agreements. Specifically, the development and implementation of *Australia’s Oceans Policy*, demonstrated our

attempt at developing and implementing policy that was designed to integrate across sectors and jurisdictions (see Haward and Vince 2008; Vince 2013). Although the policy was unsuccessful in delivering full integration it established the path to ecosystem based management of Australia's ocean domain. Bioregional Marine Plans were established through the EPBC Act and while they are an example of marine spatial planning, integration is limited to the scope of the Act. The Marine Bioregional Plans also provided framework for the development of the National System of Marine Protected Areas (MPAs) which was announced prior to Rio+20 and proclaimed in November 2012. The new Commonwealth MPAs cover a total area of 3.1 million square kilometres of ocean and the system is considered one of the world's largest (Burke 2012a).

Australia was also able to deliver these policies within the timelines specified by the WSSD outcomes that included encouraging the application of an ecosystem approach to sustainable development of the oceans by 2010; and establishing marine protected areas consistent with international law by 2012 (WSSD 2002). Australia's failure to deliver an integrated oceans governance framework has recently dissipated the 'world leader' status (Commonwealth of Australia 1998) in oceans governance and Rio+20 was an opportunity to reverse this mindset.

The Australian government began the process in the lead up to Rio through a 'fact sheet' campaign, outlining its policies on the major theme areas of the conference. One of these issues was the 'blue economy' that Australia is committed to. The Australian government defined a blue economy as "one in which our ocean ecosystems bring economic and social benefits that are efficient, equitable and sustainable" (Australian Government 2012a). It restated that Marine Bioregional Plans are the framework for the implementation of this plan. The *Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security* (CTI) which is a partnership between Indonesia, Malaysia, Papua New Guinea, the Philippines, Solomon Islands, and Timor Leste was also referred to as an important direction for the blue economy. The government also used this process to announce that funding of \$3.5million was already being provided to the Coral Triangle Initiative Support Plan.

Australia's Compilation document (2012c) that was delivered to the Rio delegation reiterated many of the policy commitments outlined in the factsheets. It also referred to "strengthening fisheries and marine resource management in member states' waters to ensure sustainability of these resources for national and global food security, including through addressing illegal unreported and unregulated fishing."

During Rio+20, Australia took lead on a number of events including a Blue Economy side event. The CTI was used as a key example of progress to a blue economy based on "people centred biodiversity conservation" (CTI 2013). Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) Secretary Paul Grimes represented Australia and said "we had to keep making the case for ocean protection. It was critical that we redouble our efforts to value our

oceans, but it was not easy to do, so we need to work as a team and build partnerships...” (DSEWPac 2012). Interestingly, he also said that “Australia was looking forward to a renewed focus on oceans” (DSEWPac 2012).

The Prime Minister also reiterated the policy agenda regarding oceans during her speech to the *Nature Conservancy’s Blue Green Economy Breakfast* held during Rio+20. It too focussed on regional fisheries and improving food security in the Pacific region. She also highlighted that “we have doubled our Pacific fisheries assistance over the last four years, to about \$11.7 million this year [2011-12].” (Gillard 2012a).

Policy commitments before and during the Rio+20 conference illustrate that Australian oceans governance is focussed on regional initiatives and fishing. Arguably, the only thing new policy commitment in the blue economy plan was the title. The policies and programs that the blue economy agenda referred to are in the process of being developed or are already being implemented. The blue economy was a way of ‘bundling’ different programs under an ‘ocean’ descriptor for Rio+20.

It was not until December 2012, six months after Rio+20 that Australia released its Outcomes document (Australian Government 2012d). It was anticipated that this document would strengthen Australia’s commitments following the discussions at the conference and provide innovative policy directions that previous documents did not reveal. Significantly, the Outcomes document provided less detail about policy programs and did not even mention the term ‘blue economy’. Table 1 outlines the Australia’s reviewed commitments after Rio+20, the current or expected outcome of that commitment and the progress on it to date:

Table 1. Australian Outcomes from Rio+20 (based on Australian Government, 2012d)

Outcome document commitment	Outcome or expected outcome	Progress to date
To take action on marine protected areas	National Representative System of MPAs (NRSMPAs) Australia will support other countries in our region to establish and effectively manage their protected areas	NRSMPAs completed and was released June 2012 This included 40 new Commonwealth marine reserves around the nation. Adds over 2.3 million square kilometres to Australia's marine reserve estate, resulting in a total area of 3.1 million square kilometres of ocean being managed primarily for biodiversity conservation. Discussions with Pacific Nations continuing through the Pacific Oceanscape Framework.
To eliminate fisheries subsidies	The Australian Government is advocating for the elimination of harmful fisheries subsidies that	Various efforts made towards this process such as Australia along with other Trans-Pacific

	contribute to over-fishing and overcapacity.	Partnership in free-trade talks, calling for elimination of fisheries subsidies as measure to stop overfishing. Being opposed by countries such as Japan (see Kyodo 2013).
To restore fish stocks	Australia is working hard on efforts to maintain fish stocks at levels that can produce maximum sustainable yield, through the <i>Commonwealth Fisheries Harvest Strategy Policy and Guidelines</i> and via ongoing engagement with regional fisheries management organisations	<p>The EPBC Act: sets approaches and standards for listing of marine species, rare, endangered, or vulnerable to excessive impacts or exploitation; to be related to matters of national environmental significance; or to have special international significance (such as migratory wading birds). As such the Act provides a system that enables Australian Government policy-level decisions to flow down to state-level policy and operational management systems. It gives significant effect to the principle of subsidiarity.</p> <p>At state level there are a number of programs aimed at mitigating such issues: e.g. Derwent Estuary Program in Tasmania, the Healthy Waterways Program in southern Queensland, and the Cockburn Sound Management Strategy in Western Australia, Reef Water Quality Protection Plan (State of the Environment 2011 Committee, 2011). The Australian Department of Agriculture, Forestry and Fisheries (DAFF) “seeks to influence the standard of regional fisheries management through participation in relevant regional fisheries management organisations and other bodies, e.g. (FFA), (CCSBT), (IOTC), (CCAMLR) and the RPOA-IUU” (DAFF 2011). One example of regional fisheries management and governance in the South East Asia region is the Regional Plan of Action (RPOA) whose aim is to “to Promote Responsible Fishing Practices Including Combating Illegal, Unreported and Unregulated (IUU) Fishing in South East Asia. The RPOA-IUU resulted from a joint Australia-Indonesia</p>

		initiative and was agreed by fisheries Ministers of eleven countries in May 2007” (DAFF 2011).
To tackle marine pollution and alien invasive species	Australia is moving towards ratification of the IMO's Convention for the Control and Management of Ships' Ballast Water and Sediments, which aims to help avoid the infiltration of alien invasive species into our waters	Still negotiating re-ratification but did sign in 2004 subject to ratification. Australian representatives and agencies now working on developing the legislative and administrative changes necessary to give effect to the Convention in Australia.
Address the challenges of sea level rise and coastal erosion	<p>It will continue to promote and support practical actions to conserve high seas biodiversity through competent regional and international organisations and by working with Pacific and Indian Ocean states, particularly through the Pacific Oceanscape Framework.</p> <p>Australia will also host and support the Indian Ocean office of the Intergovernmental Oceanographic Commission (IOC)—the United Nations body for ocean science, ocean observatories, ocean data and information exchange, and ocean services such as tsunami warning systems.</p>	Ongoing
Address the challenges of ocean acidification	Through the Australian Climate Change Science Program, Australia is investing in research to understand how climate change is and will impact on our oceans.	Studies have been conducted on the following: “understanding the rate of global sea level rise and the regional variation around Australia’s coast, and pioneering studies of sea level extremes” and “understanding of Southern Ocean physics and chemistry, and identifying links to climate change for the Australian region and the globe”. (DIICCS RTE 2013)
Address the challenge of illegal and unregulated fishing	Australia works with regional partners under the Regional Plan of Action to Promote Responsible Fishing Practices to work towards the elimination of illegal, unreported and unregulated fishing	<p>Work on the Regional Plan of Action to Promote Responsible Fishing Practices is ongoing, and signatories to the RPOA-IUU have agreed to deny entry to vessels listed by CCAMLR as undertaking IUU fishing in the Convention area.</p> <p>Commission for the Conservation of Antarctic Marine Living Resources’ (CCAMLR) meeting was held in</p>

		Hobart 2013. In this meeting Australia, France, the European Union, New Zealand and the United States proposed that marine protected areas should be implemented in CCAMLR waters. Also, the Commission adopted a compliance evaluation procedure developed by AFMA in partnership with a number of members. This procedure, strongly advocated by AFMA, will strengthen CCAMLR's compliance framework by assessing compliance with obligations.
Address the challenge of marine debris	Australia continues to meet its obligations at the International Maritime Organization (IMO) relating to protection of the marine environment. Legislation has been developed to strengthen measures to prevent pollution by garbage from ships and Australia is also engaged in the region to address sources of marine debris in the nation's marine environment through forums such as the Arafura and Timor Seas Ecosystem Action project.	This work is ongoing

Australia also supports the development of a new international instrument under UNCLOS for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (Australian Government 2012d).

Arguably, general ocean governance issues beyond fisheries and marine protection are not on the agenda. The oceans policy is not mentioned and neither are Marine Bioregional Plans. However, as it has been noted by Rio+20 observers that “four out of Australia’s six original ...ocean outcomes relate to fish” (O’Brien 2012) and this is especially important with regard to food security which is increasingly an area growing in importance in the international domain. Food security is emerging as a key issue for fisheries (WorldFish, 2011). Australian fisheries are worth \$2.1 billion annually and wild harvest fisheries species are in decline (PMSEIC 2010). The fisheries food security issue was raised in the Rio+20 factsheets and by the Prime Minister in speeches during the conference (Australian Government 2012a, 2012b; Gillard 2012b). Although the Government announced in the *Outcomes* document that it will develop a National Food Plan, the rest of the commitments are focussed on already established institutions and programs that relate to aid rather than fisheries (Australian Government, 2012d).

Interestingly, Australia is providing aid to the Pacific nations to eliminate overfishing and overcapacity through the Pacific Oceanscape Framework (POF). POF's main aim, ironically, is to develop integrated ocean management in the region and Australia is assisting the Pacific nations achieve this goal (see AusAid 2012a).

Australia has taken a very cautious approach to its ocean commitments following Rio+20. These commitments are based on policies that are already being developed and implemented, revealing that there has been little innovation in ocean policy making. Key messages from stakeholders from the Rio Ocean Declaration have not been utilised by the UN members or Australia in forming their commitments, especially with regard to integrated approaches to ocean and coastal laws and policies. This paper now examines why this is the case by analysing the policy capacity for the decisions regarding Australian oceans governance.

Policy capacity in Australian oceans governance

Effective oceans governance can be determined by policy, state and administrative capacity; the government's capacity to make decisions through processes or procedures; the quality of decisions through the substance of policy; effectiveness of policy outputs; and integration between relevant agencies and other actors. In Haward's (2006) analysis of Australian ocean governance, he found that effective responses to such issues need to build upon international and regional instruments and be supported by national initiatives. He goes on to say "These actions need to be reinforced by bilateral action aimed at strengthening compliance with regional and international instruments and increased coordination and capacity between institutions – leading to increased attention to ocean governance."

During the development and early stages of implementation of *Australia's Oceans Policy*, this is exactly what happened. The policy had bilateral support and reflected UNCED and WSSD commitments to integrated and ecosystem based approaches to oceans governance. The policy's aims began to unravel after the first five years – where quality decisions and substance did not produce effective outputs (Tsamenyi and Kenchington 2012; Vince 2008b). Specifically, the regional marine planning process that became known as Marine Bioregional planning had limited state support. The failure of the National Oceans Office to collectively manage the different ocean sectors and its inability to steer outcomes also contributed to the policy's demise (Haward and Vince 2009). The lesson learned from this oceans policy process was that while the government had the capacity to address international commitments through state capacity, make new and innovative decisions and attempt integration in its policy capacity, it failed in the implementation stages through administrative capacity (see Painter and Pierre 2005).

It is because of this history that Australia has taken a cautious approach to policy making in the ocean realm and it is reflective of its policy capacity to deliver the Rio+20 outcomes. However, there are a number of areas in oceans governance

where Australia is succeeding. First, its focus marine environmental protection through the establishment of National Representative System of MPAs clearly demonstrates effective policy capacity. Although the science behind the MPA selection and has recently been questioned (see Pressey 2013), the administrative capacity of the government to deliver a system on such a large scale is impressive. Included in this was a consultation process with stakeholders and substantial resources were made available for implementation including a Fisheries Adjustment Package worth \$100 million (Burke 2012a, 2012b).

Australia's involvement in the POF and CTI are examples regional commitments to oceans governance. Australia provided \$1 million to a Participation Trust Fund in April 2012 to help small island developing states attend the Rio+20 conference. With a particular focus on Pacific neighbours, Australia maintained that their participation was essential with regard to oceans, fisheries and food security dialogues (DFAT 2012). Integration is an aim of the POF and Australia has contributed \$25 million to assist with its marine spatial planning (AusAid 2012a). The CTI was used as an example of a blue economy at Rio and this initiative is also reflective of Australia's assistance in the region with regard to fisheries and food security. Another \$8 million in aid was committed to the CTI during Rio+20 (AusAid 2012b).

All these initiatives demonstrate effective oceans governance. There is one overarching reason why the government has the capacity to achieve policy success in these areas and not other areas of ocean management. There is little integration needed vertically (between states and the Commonwealth) and only a few agencies are involved in the implementation of the policies horizontally (between Commonwealth agencies). For instance, CTI and POF are managed by AusAid. Utilising integrated approaches with nations in our region is not only useful for 'good' international relations, but again, the number of agencies involved in the process is small and administrative capacity is increased. While Williams and McNutt (2013) refer to *some* level of integration being necessary for effective policy capacity, these examples above demonstrate that "some level" is different to "complete" or large scale integration.

Integrated approaches continue to be heralded as the way forward for national oceans governance (Hu, 2012). The Rio Ocean Declaration called for "scaling up successful ecosystem-based management/integrated ocean and coastal management (EBM/IOCM) efforts at national and regional and in marine areas beyond national jurisdiction". Despite this suggestion, Australia has avoided any commitment to reviewing its oceans policy or holistic approaches to oceans governance. The lack of administrative capacity is once again behind this decision. There is no devoted oceans agency in the Commonwealth and different ocean and marine resources are managed separately. For instance, marine environment policy and programs are located in DSEWPaC while fisheries are administered through Department of Agriculture, Fisheries, and Forestry. Even the management of MPAs, the most successful development in oceans governance in recent years, has been

moved from DSEWPac to Parks Australia (Cochrane 2013). In addition, policy capacity through processes and procedures is also lacking as there is no longer an oceans policy, the EBPC Act has provided a legislative anchor for MPAs and bioregional plans, leaving the only an avenue for the development of a new policy direction or to keep the status quo.

The focus on a 'blue economy' is a new concept that encapsulates established policy directions. Australia's commitment to these programs is easier to maintain, particularly during times of political turmoil. Prime Minister Gillard's position as Prime Minister weakened towards the end of 2012 (Roy Morgan Research 2013) and this was reflected in a more cautiously worded *Outcomes* document. Even with Kevin Rudd returning as Prime Minister in June 2013, or possible change of government in the near future, Australia's Rio+20 commitments are achievable. This, unfortunately, means that oceans are not a priority on the political agenda and new innovations in Australian oceans governance are far from being realised. The commitments to fisheries in Australia and in the region do demonstrate that fisheries as food security are being prioritised.

Conclusion

This paper examined Australia's commitments to Rio+20 by reviewing past ocean policies and the current progress being made in oceans governance. The overarching question put forward was whether Australia's oceans governance, as a result of Rio+20, is moving forward or two steps back. The National Representative System of MPAs, regional initiatives such as POF and CTI all demonstrate that Australia is embracing marine spatial planning on a smaller scale, and that it has maintained the policy capacity to deliver effective outcomes from these policy directions. These policies will help establish support for emerging areas of priority for Australia such as the blue economy and food security. It can be foreseen that the 'blue economy' will be a concept that will continually change depending the policy capacity of the government in power and their agenda.

The Rio Ocean Declaration made it clear that the world's experts in marine spatial planning and ocean governance still regard integration as the best possible approach for nation states to utilise for the implementation of ocean policies. Australia's lack of commitment (or recommitment) to such an approach is indicative of the lack of administrative capacity and policy capacity required to achieve successful policy outcomes. Based on past experiences, Australia was not willing to commit to policies that may result in failure and it cautiously committed to achievable goals.

This review of Australian oceans governance reveals that integration is an important measure of effective governance and policy capacity. It demonstrates that the government is more aware of its administrative capacity to deliver in this issue area.

Moreover, resources, especially financial support are a key determinant of policy capacity and the programs that are being pursued have decent financial backing.

Australia's focus on marine protection and fisheries is salient and not to be undermined, despite the lack of a holistic view of oceans and coasts. Climate change, food security, poverty eradication, and foreign aid are issues gaining priority in the international arena and sustainable use of oceans and marine resources will determine how successfully these issues can be dealt with. Australia is therefore moving forward in oceans governance, although these steps are currently cautious and small.

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